

TERRORISM AND INVESTIGATION STRATEGIES

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Abstract

This paper discussed that, for successful implementation of the strategies in investigating terrorism, besides requiring professional skilled investigators, there are some additional requirements that need to be fulfilled. Effective and long term prevention of terrorism should be directed towards producing good social welfare and to minimize every condition that may be conducive to the emergence of terrorism, such as discrimination and marginalization.

Key Words: terror, terrorism, investigation strategies

Introduction

Terrorism is not a new problem, because it has been threatening free society for decades, but since the 11 September 2001 terrorism attacks on the USA, terrorism has become the most feared type of transnational crime, which has attracted the special attention of law enforcement agencies (local as well international), and scholars of various disciplines. All the attention is directed to the search for the most effective measures in combating international terrorism.

Furthermore, terrorism threats and attacks are not only against industrial countries, but also against developing countries. Indonesia, for instance, as one of the developing countries in Asia has experienced international terrorism attacks, following the 11 September attacks. Authorities suspect the Bali bombing

in 2002, the J.W. Marriott Hotel bombing in 2003, and the Australian Embassy bombing in 2004 involved international terrorist groups. Even though most of the Bali bombing terrorist members who have been arrested and prosecuted by the Indonesian law enforcement agency are Indonesian, their attacks possess international dimension in terms of their net-works, victims and targets.

As terrorism has become serious threat to free society, it needs effective strategies in investigating incidents of terrorism. Investigation, according to Myren and Garcia:

“...is a process that fits into a context of determination of fact for decision-making purposes. It is the activity that produces the facts on which our decisions are based. It is an all pervasive function, central in both our personal and professional affairs...”
(Myren, Garcia, 1989:3)

The purpose of investigating terrorism is to draw conclusions as to whether the incident being investigated fall under the definition of terrorism; who are the suspects that can be arrested; is there enough legal evidence to bring the case to court. To conduct this process effectively, investigators should have the necessary professional skills and techniques for investigation, comprehensive knowledge about the nature of terrorism, which will enable them in sorting out the relevant or irrelevant evidence. Such skills might be sharpened with intuition and imagination.

For successful implementation of the strategies in investigating terrorism, besides requiring professional skilled investigators, there are some additional requirements that need to be fulfilled. The requirements for effective investigative strategies that should be possessed by investigators are:

- Understanding the nature of the terrorism
- Understanding the pattern of terrorist modus operandi
- Understanding the typology of terrorist groups
- Understanding the sources of financing of terrorist groups
- Conducive international cooperation
- Community participation

Understanding Terrorism

The first problem in understanding terrorism is in defining terrorism, because there is disagreement among law enforcement agencies as well as scholars as to what constitutes as terrorist act. Clear and precise

definition of terrorism is a must because this will help in identifying, arresting and prosecuting terrorists. For practical purpose, such as for investigation, such a definition should be operational. Through the operational definition of terrorism, the investigators will be able to identify the components that belong to the act of terrorism. As such, the term of terrorism used in this paper is the threat or use of violence by individuals or groups against indiscriminate targets, which cause mass damage, injury, death, fear, uncertainty, or a state of terror.

For the terrorist groups, terrorism is used as to force in the attainment of their goal. According to Turk (2002:1552):

“Whatever the content and implications of terrorist reasoning, terrorists do base their decisions on what they know, or believe they know, about the realities of the political situations in which they operate.”

Thus, as has been aforementioned above, terrorism can be committed by a state against its citizen, or committed by individuals or groups against a state. In this paper, the term of terrorism is limited to the issue of terrorism committed by individuals or groups against a state, because terrorism committed by a state is better described as political crime.

For investigation purposes, the definition of terrorism should be elaborated further. Firstly, the investigator should be able to identify individuals or groups that in order to pursue their claim of status or resources might use violent actions. Such individuals or groups use threat

or violence against indiscriminate targets. This means that the targets do not necessarily have any connection with the actual target, which the terrorists want to address in their claim.

Terrorist's targets may be considered by terrorists as symbols of the actual targets, e.g. a building belonging to actual opponent, citizens of countries of actual targets, or other interests of the actual opponent. Thus, by identifying the terrorist targets, the investigators could draw a proximate conclusion of individuals or groups that are aggravated or in conflict against the actual targets.

To identify individuals or groups that have grievances or conflicting feeling, terrorism can be considered as a state of social conflict. According to Coser (1980):

"Social conflict may be defined as a struggle over values or claims to status, power, and scarce resources, in which the aims of the conflicting parties are not only to gain the desired values but also to neutralize, injure, or eliminate their rivals".

The ability to identify individuals or groups that have grievances will be sharpened if the investigators focused their attention on the main issues that resulted in the grievance. The issues that might result in grievances and that lead to terrorism are political, e.g. liberation claims; injustice, e.g. the rights of minority groups or marginalized group claims; moral, e.g. anti-abortion claims; religious, e.g. claim to implement canonical law; and ideological grievances.

Grievances may lead to terrorism if communications through

political, or social channels are disrupted. Miscommunication might also appear if there is no mutual trust among social groups in the society, or there is no compatible perspective in weighing the issues that lead to grievance. Thus the ability to identify issues that lead to grievance, may lead to the identification of individuals or groups that are aggrieved, this in turn might lead to these groups or individuals take extremes actions in realizing their claims. According to Kahn (1987):

"Terrorism sprouts from the existence of aggrieved groups. These aggrieved groups share two essential characteristics: they have specific political objectives, and they believe that violence is an inevitable means to achieve their political ends...aggrieved groups responsible for international terrorism belong to diverse regions, religions, nationalities and ideologies".

In line with Kahn's assertion, Quinney (1977) mentioned that within the context of capitalist development and class struggle, there is the existence of a structural adaptation of crimes, and there are two kinds of imported crime. Firstly "crime of domination or repression" committed by capitalists or political authorities, secondly "crimes of accommodation", "crime of interpersonal violence", and "crime of resistance/rebellion" committed by the working class, and as a whole it is some sort of "crime of survival". According to Quinney's category, terrorism falls under the second type of crime.

Understanding the Pattern of Terrorists Modus Operandi

Terrorist attacks that have occurred locally as well as internationally are invaluable sources of information for investigation. Terrorist modus operandi used in every incident of terrorist attack can be utilized to recognize the pattern of its modus operandi. Patterns of modus operandi that can be drawn from all the incidents of terrorist attacks, can be used to focus the investigation mainly on the patterns that are most likely to occur in particular jurisdictions. Without any guidance of modus operandi patterns, investigators may be working in the dark, even though this blind method may succeed but there is a large window of error. Crenshaw (1981) in *The Causes of Terrorism*, mentioned, "The types of terrorists, as well as their aims, methods, and targets vary from group to group".

As a consideration, there are many modus operandi that have been used by terrorists groups. To name just a few: airplane hijacking, hostage taking, suicide bombing, direct attacks on targets, etc. Usually every terrorist group has distinctive characteristics in terms of the modus operandi they use.

Understanding of the Financial Sources of Terrorist Groups

Every terrorist attack needs financial support. Thus to identify the financial resources of the terrorist group may reveal the identity of the terrorist group. There are many financial sources for terrorist groups. They may obtain the financial support through illegal activities, such as bank robbery, drug

trafficking, firearms smuggling, etc. Terrorist groups may obtain the financial support from sponsors, individually or through organizations, even state organizations. Money laundering is one of the methods used by terrorist groups in transferring money. In this sense, bank secrecy should not limit the investigator for accessing banking information.

Conducive International Cooperation

As terrorism possesses international dimensions in terms of its networks, targets, and financial support, successful investigation of terrorist groups needs international cooperation in many aspects. However, international cooperation is not always conducive for investigation of international terrorism. Distinct legal system or legal definitions of terrorism might limit the cooperation. Bilateral and multilateral agreement on the extradition of terrorist suspects, information exchange, and scientific investigation are very helpful.

For example, bilateral cooperation between the Indonesian National Police and the Australian Federal Police in investigating the Bali bombing incident is a good example of an international cooperation in investigating terrorism. For successful investigation of international terrorism, such cooperation should be broadened and strengthened to include all countries affected by terrorism.

Community cooperation

In investigating terrorism and investigating crime, investigators should collect information from the members of society who witness the incident, or possess information regarding the terrorist group. Members of society should be considered the eyes and the ears of the investigators; otherwise the investigator will get nothing. The failure of the Indonesian National Police in arresting the intellectual actor of the Bali, the JW Marriott Hotel, and the Australian Embassy bombing suspects, were affected by lack of community participation.

One of the difficulties in identifying terrorist group is that sometimes they hide among the community. However, as terrorist groups are basically clandestine groups, the group's activities must be exclusive and distinct from normal activity of non-terrorist groups. Identifying such irregular group activities might lead to the apprehension of the terrorist group. In this sense, community participation in reporting such irregular activities among the new members of the community is invaluable.

Obtaining community participation in investigating terrorist groups is not an easy task. Firstly, it may be affected by the state of police-community relations. If such a relationship is not good, the investigator will face difficulties. Sometimes, a community might support or be sympathetic to the ideology of the terrorist, thus it is impossible to ask the community to participate in reporting the terrorist

because the community tends to protect the terrorist.

Conclusion

To sum up the discussion above, investigation can be described as a process to reveal an incident after the fact (*ex post facto*). It is an activity conducted by investigators, namely the police. Investigation is not a prevention measure. In this sense, preventing terrorism should be an intelligence activity that can be conducted by the police or intelligence agencies before the incident occurs. Investigation or prevention activities are basically similar activities that are directed towards the disclosure or prevention of terrorism. However, for the purpose of combating terrorism such activities are effective in the short term only.

Effective and long term prevention of terrorism should be directed towards producing good social welfare and to minimize every condition that may be conducive to the emergence of terrorism, such as discrimination and marginalization.

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